

## **REMARKS/ARGUMENTS**

Claims 2-16 remain pending in this application. Claims 9 and 10 have been amended. Support for the claim amendments may be found, for example, in paragraph [0033] of the present application.

Independent claims 9 and 10, as amended, recite, among other things, the steps of receiving from a messaging client a message content to be transmitted in a message and receiving delivery information for first and second recipients to whom the message is to be transmitted. Support for these claimed features may be found, for example, in paragraphs [0033-0037] of the specification.

Applicants submit that neither *Kall* nor *Jiang* discloses at least the aforementioned features of independent claims 9 and 10. In particular, it is submitted that the primary citation to *Kall* does not disclose the claimed steps. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of *Kall* and *Jiang* is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The primary citation to *Kall* relates to a system and method for facilitating formation of a RANcast in a radio communication system. (*Kall*, FIG. 2). The Office Action contends that the method described as being used for client-based multi-cast message transmission meets the aforementioned feature of independent claims 9 and 10. (Office Action, page 2). This contention is respectfully traversed.

Reference is made to FIG. 1 of *Kall*. As detailed in the corresponding columns 5 and 6 *Kall*, the apparatus 46 includes an identifier 48 and a RANcast implementer 52. The identifier 48 identifies the number of mobile user endpoints that request, or shall likely request, download of multicast data from the multicast source to the respective endpoints. For each cell defined by each base station of a particular RAN, the identifier 48 identifies how many mobile user endpoints request, or are likely to request, download of the multicast data. The implementer 52 defines a common channel and effectuates downloading of the multicast data to each of the mobile user endpoints that are to receive such data. Thus, the data is not obtained from the client, but rather, is delivered to the client.

This quite different from the claimed invention. As presented in claims 9 and 10, the message is provided by a messaging client, whereby the message is

delivered to multiple recipients. Thus, information flows from the creator of a message to multiple recipients via the exemplary messaging system.

The secondary citation to *Jiang* relates to a system and method for integrating wireless data and voice calls and is cited for its alleged disclosure of receiving a report indicating an outcome for the message transmission to the first recipient and receiving a report indicating an outcome for the message transmission to the second recipient. (Office Action, page 3). Applicants submit that *Jiang* does not add anything that would remedy the aforementioned deficiencies in *Kall*.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 9 and 10 under 35 U.S.C. §103 are respectfully requested.

## CONCLUSION

For at least the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 2-16) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone John Zanghi, at (216) 861-5582.

Respectfully submitted,

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4/23/08  
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